

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7749

Petition of Mariah Group LLC, d/b/a Rutland)
Plywood Corporation ("RPC"), for a certificate)
of public good pursuant to 30 V.S.A. § 248(j))
authorizing the installation and operation of a)
400 kW biomass electric generation facility)
located at RPC's production facility in Rutland)
Town, Vermont)

Order entered: 9/26/2011

I. INTRODUCTION

This docket involves a petition filed by Mariah Group LLC, d/b/a Rutland Plywood Corporation ("RPC"), requesting a certificate of public good ("CPG") under 30 V.S.A. § 248(j) for the installation and operation of a 400 kW biomass electric generation facility located at RPC's production facility in Rutland Town, Vermont (the "Project"). In today's Order, we conclude that the Project will be of limited size and scope, the petition does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248, the public interest is satisfied by the procedures authorized by 30 V.S.A. § 248(j), and the Project will promote the general good of the state.

II. PROCEDURAL HISTORY

On July 14, 2011, RPC filed a petition with the Public Service Board ("Board") pursuant to 30 V.S.A. § 248(j) for a CPG authorizing the Project. RPC submitted prefiled testimony, proposed findings, and a proposed order pursuant to the requirements of 30 V.S.A. § 248(j).

On July 26, 2011, notice of the filing in this Docket was posted on the Board's website and sent to all parties specified in 30 V.S.A. § 248(a)(4)(C) and all other interested persons. The notice stated that any party wishing to submit comments as to whether the petition raises a

significant issue with respect to the substantive criteria of 30 V.S.A. § 248 must file its comments with the Board on or before August 23, 2011.

On July 29, 2011, Central Vermont Public Service Corporation ("CVPS") filed a Motion to Intervene in this docket.

On August 2, 2011, the Board requested additional information concerning the petition. On August 24, 2011, RPC filed the requested information along with three supplemental exhibits and a letter of support from the Rutland Town Select Board.

On August 9, 2011, the Vermont Agency of Natural Resources ("ANR") filed a letter requesting that RPC provide a description of the existing and proposed wastewater (including process cooling water) plan. On August 24, 2011, RPC filed a response which stated that the Project would not impact the existing facility's discharges and that neither RPC's existing facility nor the Project includes process cooling water.

On August 23, 2011, the Vermont Department of Public Service ("Department") filed a letter stating that the petition does not raise any significant issues with respect to the substantive criteria of 30 V.S.A. § 248.

On August 24, 2011, CVPS filed comments regarding the interconnection for the Project to the CVPS system.

No other comments were received.

III. CVPS'S MOTION TO INTERVENE

On July 29, 2011, CVPS filed a motion to intervene in this Docket. No comments were received regarding CVPS's intervention request.

CVPS is the interconnecting utility for the Project and has a substantial interest in assuring that the interconnection and operation of the Project does not adversely impact the safety, power quality, reliability, and stability of the CVPS electric system. We grant CVPS permissive intervention pursuant to Board Rule 2.209(B), limited to the interests identified in its motion.

IV. FINDINGS

1. RPC is a Vermont corporation established in 1957 and is located at 1 Ripley Road in Rutland, Vermont. RPC produces wooden reels and specialty hardwood laminates and veneers at its production facility at 98 Ripley Road in Rutland Town, Vermont. Carroll pf. at 3; exh. RPC-2 at Attachment A and RPC-5.

2. RPC's existing production facility is located within an industrial complex, next to an active railroad track. The complex includes several large buildings and existing distribution facilities as well as a gravel parking lot to the south. The industrial complex property abuts the Otter Creek; however, the complex is largely obscured from the Otter Creek and surrounding roads, buildings, and residences by the existing topography and vegetative screening. Carroll pf. at 6-7; exhs. RPC-5 and RPC-12-13.

3. RPC's existing production processes use approximately 29,000 gallons of water daily and produce a substantial amount of steam. Carroll pf. at 3.

4. In the past, RPC operated a steam turbine and a generator to produce electricity, for onsite consumption, using the waste steam from its production process. Its previous cogeneration system was decommissioned in 1989. Carroll pf. at 3-4; exh. RPC-2.

5. RPC seeks, once again, to produce electricity using the waste steam from its production process. However, rather than consuming the electricity onsite, RPC will sell the electricity as a qualifying Sustainably Priced Energy Enterprise Development ("SPEED") resource pursuant to 30 V.S.A. § 8001-8005.¹ RPC has executed a Vermont SPEED Standard Offer Power Purchase Agreement with the Vermont SPEED Facilitator, which provides for the sale of the Project's output and other attributes, including Renewable Energy Credits ("RECs"), at a price ranging from \$0.12 to \$0.14 kWh for a period of twenty years. Carroll pf. at 3-4; exh. RPC-2.

1. SPEED projects are new electric generating projects that produce renewable energy. A "new" project means a project brought on-line after December 31, 2004. A SPEED project must use a technology that relies on a resource that is being consumed at a harvest rate at or below its natural regeneration rate. Obvious examples of SPEED projects are utility scale wind farms . . .

6. The Project will install a steam turbine and a 400 kW induction generator in the interior of RPC's existing production facility. The steam turbine will be matched with the process steam load and is projected to have an electrical output of 300 kW. Carroll pf. at 4 and 7; exh. RPC-5.

7. The Project will interconnect with CVPS's 12.47 kV distribution line (known as the Gas Turbine 49 distribution circuit) at the "Line Ripley Pole." To interconnect to CVPS's distribution system, the Project will involve distribution upgrades which will likely include: (a) a three-phase line extension, which will include the relocation of one existing pole with an above-ground height of 38.5 feet and the installation of two new poles with above-ground heights of 38.5 feet; (b) the installation of one new pole with an above-ground height of 43 feet, which will hold three pole-mounted transformers and associated hardware; (c) a three-phase recloser; (d) a primary metering assembly; and (e) a transfer trip scheme. Carroll pf. at 5-6; letter of August 24, 2011, from Leslie A. Cadwell, Esq., on behalf of RPC, to Susan Hudson, Clerk of the Board at 1; exhs. RPC-5, RPC-8, and RPC-13-14.

8. The Project has a design system efficiency of 53%. Exh. RPC-3.

Discussion

30 V.S.A. § 8005(j) states that

Wood biomass resources that would otherwise constitute qualifying SPEED resources may receive a standard offer under subdivision (b)(2) of this section only if they have a design system efficiency (the sum of full load design thermal output and electric output divided by the heat input) of at least 50 percent.

Therefore, because the Project has a design system efficiency of 53%, it meets the minimum efficiency standards to qualify as a SPEED resource for renewable biomass projects.

Pursuant to 30 V.S.A. § 8007(b), the Board was required to implement, by rule or order, procedures governing the application and review of renewable energy projects with a plant capacity that is greater than 150 kW and is 2.2 MW or less. The Board's Order *In Re: Simplified Procedures for Renewable Energy Plants with a Capacity Between 150 kW and 2.2 MW* ("Section 8007(b) Order") adopted standards and procedures for such projects, which included conditionally waiving several Section 248 criteria. Therefore, because the Project will have a plant capacity of 400 kW, the Project meets the plant capacity requirement for conditional

waivers of certain Section 248 criteria pursuant to 30 V.S.A. § 8007(b) and the Board's *Section 8007(b) Order*.

Orderly Development of the Region

[30 V.S.A. § 248(b)(1)]

9. The Project will not unduly interfere with the orderly development of the region, with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality. Carroll pf. at 7. This finding is also supported by findings 10 and 11, below, and the findings under criterion 30 V.S.A. § 248(b)(5), below.

10. The Rutland Regional Planning Commission ("RRPC") and the Town of Rutland Planning Commission ("TRPC") both expressed support for the Project and waived their rights to the 45-day notice under 30 V.S.A. § 248(f). Both the Town and Regional plans expressly encourage local renewable energy sources. Carroll pf. at 7; exh. RPC-9.

11. The Rutland Town Select Board also sent a letter expressing support for the Project. Attachment to letter of August 24, 2011, from Leslie A. Cadwell, Esq., on behalf of RPC, to Susan Hudson, Clerk of the Board.

Need for Present and Future Demand for Service

[30 V.S.A. § 248(b)(2)]

12. Pursuant to the Board's *Section 8007(b) Order* this criterion is waived.

System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

13. The Project will not adversely affect system stability and reliability. This finding is supported by findings 14 through 17, below.

14. CVPS determined that a System Impact Study ("SIS") would not be necessary to examine the Project's potential impact on the CVPS distribution system. CVPS completed a Fast

Track screening for the Project and will complete a Facilities Study to determine the design of the interconnection facilities. Exh. RPC-8; letter of August 24, 2011, from Morris L. Silver, Esq., on behalf of CVPS, to Susan Hudson, Clerk of the Board.

15. The Fast Track screening identified concerns regarding islanding and self-excitation.² According to CVPS, if RPC installs specific distribution upgrades to mitigate those concerns and adheres to the forthcoming Facilities Study, the Project will not adversely affect the system stability and reliability of CVPS's distribution system. Carroll pf. at 5-6; exh. RPC-8; letter of August 24, 2011, from Morris L. Silver, Esq., on behalf of CVPS, to Susan Hudson, Clerk of the Board.

16. RPC will pay for all costs associated with interconnection upgrades, including the costs for equipment and installation. The estimated costs for such upgrades is \$90,000. Carroll pf. at 6.

17. RPC will execute an Interconnection Agreement with CVPS. Carroll pf. at 6.

Discussion

CVPS's August 24, 2011 letter, filed with the Board, states that the following facilities and system upgrades will most likely be required to mitigate CVPS's interconnection concerns: (a) the installation of a three-phase recloser; (b) the establishment of a Direct Transfer Trip scheme; (c) the installation of a three-phase line extension with three pole-mounted transformers; and (d) the establishment of operating protocols to govern any necessary starting/stopping frequency limitations or other operational constraints.³ CVPS represents that, if RPC installs the required distribution upgrades to mitigate the concerns regarding islanding and self-excitation and adheres to the interconnection facilities' design to be determined in the forthcoming Facilities Study, the proposed interconnection will not adversely impact the stability and reliability of the

2. Self-excitation may occur when a generator is isolated from the network and, as the load is removed, the generator speeds up, potentially creating over-voltages.

3. Letter of August 24, 2011, from Morris L. Silver, Esq., on behalf of CVPS, to Susan Hudson, Clerk of the Board.

CVPS distribution system.⁴ RPC has agreed to pay for all costs of necessary interconnection upgrades. RPC also represented that it would execute an Interconnection Agreement with CVPS.

We require that, prior to construction and within 90 days of issuance of the CPG, RPC shall file the Facilities Study performed by CVPS detailing the design of the proposed interconnection. The interconnection shall be designed to address all concerns identified by CVPS in the Fast Track screening process and in CVPS's August 24 letter unless RPC and CVPS agree that an identified concern has been otherwise mitigated or addressed. In addition, prior to operation of the Project, RPC is required to enter into an interconnection agreement with CVPS and file the agreement with the Board and the Department. Finally, prior to interconnection of the generator with the CVPS system, RPC is required to provide the Board and the Department with written documentation that the Project meets the applicable codes and standards listed in PSB Rule 5.510.

Based on the evidence and RPC's adherence to the conditions detailed above, we conclude that the Project will not have an adverse impact on system stability or reliability.

Economic Benefit to the State

[30 V.S.A. § 248(b)(4)]

18. Pursuant to the Board's *Section 8007(b) Order* this criterion is waived.

**Aesthetics, Historic Sites, Air and Water Purity,
the Natural Environment and Public Health and Safety**

[30 V.S.A. § 248(b)(5)]

19. The Project will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment and public health and safety. This finding is supported by findings 20 through 47, below, which are the criteria specified in 10 V.S.A. §§ 1424(a)(d) and 6086(a)(1)-(8)(A) and (9)(K).

4. Exh. RPC-8; letter of August 24, 2011, from Morris L. Silver, Esq., on behalf of CVPS, to Susan Hudson, Clerk of the Board.

Outstanding Resource Waters

[10 V.S.A. § 1424(a)(d)]

20. The Project is not located near or within any outstanding resource waters. Carroll pf. at 9.

Air and Water Pollution

[10 V.S.A. § 6086(a)(1)]

21. The Project will not result in undue air and water pollution. This finding is supported by findings 22 through 36, below.

22. The Project will not result in undue air pollution. The Project will not increase air emissions from the existing RPC production facility. The Project will be powered by existing steam loads and, therefore, will not require employing any additional wood or wood waste in the facility's boilers. RPC's existing production processes are covered by an air pollution control permit issued by ANR. The Project will not require any changes to the existing air pollution control permit. Carroll pf. at 7-8; exhs. RPC-10 and 11.

23. RPC will continue to comply with its Stormwater Pollution Prevention Plan, as required under Vermont's Multi-Sector General Permit (General Permit 3-9003), and all other existing permits associated with the RPC production facility. Carroll pf. at 10; exh. RPC-11.

Discussion

With regard to noise pollution, RPC measured existing sound levels at its production facility, during weekday plant operations, at 69.7 A-weighted decibels ("dBA") (north), 61.5 dBA (south), 69.6 (east), and 72.6 (west).⁵ According to RPC, the Project will not significantly increase sound levels at the site.⁶ However, given the already elevated sound levels created by RPC's production processes, we require that, prior to construction, RPC file with the Board for review and approval a sound analysis, completed by a qualified sound expert, that estimates the increased sound levels associated with the Project. To ensure that the Project will not result in

5. Letter of August 24, 2011, from Leslie A. Cadwell, Esq., on behalf of RPC, to Susan Hudson, Clerk of the Board at 1-2.

6. Carroll pf. at 8.

undue adverse noise impacts, RPC shall not commence construction until the Board has reviewed and approved the results of the sound analysis; furthermore, the Board reserves the right to require mitigation measures.

In addition, RPC stated that the installation of the Project would not create undue noise impacts.⁷ However, to ensure that the Project's installation will not result in undue noise pollution, we will require that RPC restrict all Project-related outdoor construction activities to the hours between 7:00 A.M. and 5:00 P.M., Monday through Friday, and require that all Project-related outdoor construction activities cease on Sundays and State and Federal Holidays.

Based on the evidence and RPC's adherence to the conditions detailed above, we conclude that the Project will not have an undue impact on existing sound levels in the area.

With regard to water pollution, ANR filed a letter requesting that RPC provide a description of the existing and proposed wastewater (including process cooling water) plan.⁸ RPC filed a response which stated that the Project would not impact the existing facility's wastewater discharges and that neither RPC's existing facility nor the Project includes process cooling water.⁹ ANR did not file anything further regarding this topic or the Project as a whole. Considering that: ANR did not present a specific concern regarding the Project's potential to negatively impact water quality; RPC will comply with the existing stormwater prevention plan and permits associated with its production facility; the Project will not increase stormwater or water discharges; and the Project will not have undue adverse impacts on the other water-related Section 248 criteria, addressed below,¹⁰ we conclude that the Project will not result in undue water pollution.

7. Carroll pf. at 8.

8. Letter of August 9, 2011, from Judith Dillon, Esq., on behalf of ANR, to Susan Hudson, Clerk of the Board.

9. Letter re ANR Request for Information of August 24, 2011, from Leslie A. Cadwell, Esq., on behalf of RPC, to Susan Hudson, Clerk of the Board. RPC represented in its August 24 letter that it "has been working with the Town of Rutland and Rutland City for several years to address wastewater associated with RPC's plywood manufacturing operations at the Rutland plant" and stated that ANR "has been aware of these efforts . . . for some time." RPC also stated that it expects RPC's production facility's wastewater to be connected to the Rutland City sewer system.

10. Carroll pf. at 10.

Headwaters

[10 V.S.A. § 6086(a)(1)(A)]

24. The Project is not known to be located in a headwaters area. Carroll pf. at 9.

Waste Disposal

[10 V.S.A. § 6086(a)(1)(B)]

25. The Project will meet any applicable health and Department of Environmental Conservation regulations regarding the disposal of wastes, and will not involve the injection of waste materials or any harmful or toxic substances into ground water or wells. This finding is supported by findings 26 and 27, below.

26. The Project's installation will temporarily create additional construction-related waste at RPC's production facility. Carroll pf. at 9.

27. The Project's operations will not impact RPC's existing waste disposal practices or impact the amount of waste or water discharges from its production facility's processes. Carroll pf. at 9-10.

Discussion

RPC did not discuss how it would dispose of the materials associated with the Project's installation. To ensure that RPC complies with this criterion, the Board requires that RPC follow any applicable health and Department of Environmental Conservation regulations regarding the disposal of wastes during the installation of the turbine, generator, and associated distribution upgrades.

Water Conservation, Sufficiency of Water, and Burden on Existing Water Supply

[10 V.S.A. §§ 6086(a)(1)(C),(a)(2) and (3)]

28. Pursuant to the Board's *Section 8007(b) Order* these criteria are waived.

Floodways

[10 V.S.A. §§ 6086(a)(1)(D)]

29. The Project is not located in a floodway. Carroll pf. at 9; exh. RPC-15.

Streams

[10 V.S.A. §§ 6086(a)(1)(E)]

30. The Project will not impact any streams. Carroll pf. at 9; exh. RPC-5.

Shorelines

[10 V.S.A. § 6086(a)(1)(F)]

31. The Project will, insofar as possible, retain all shorelines and waters in their natural condition, allow continued access to the waters and the recreational opportunities provided by the waters, retain or provide vegetation which will screen the Project from the waters, and stabilize the bank from erosion, as necessary, with vegetation cover. This finding is supported by finding 32, below, and the findings under criteria 10 V.S.A. §§ 6086(a)(1) and (a)(4).

32. The Project will be installed within and adjacent to RPC's existing production facility and parking lot, located on property abutting the Otter Creek. Carroll pf. at 6-7 and 9; exh. RPC-5 and RPC-13.

Discussion

Pursuant to 10 V.S.A. § 6001(17), a shoreline is defined as follows:

'Shoreline' means the land adjacent to the waters of lakes, ponds, reservoirs and rivers. Shorelines shall include the land between the mean high water mark and the mean low water mark of such surface waters.

The Environmental Board has in previous rulings interpreted the statutory definition of a shoreline, and has determined that shorelines are not limited to the area located between the mean high water mark and the mean low water mark of such surface waters, but rather, may include lands that are adjacent to and a considerable distance from the water body itself. The Environmental Board has not established specific horizontal limits that define a shoreline, especially when considering river shorelines. *See Josiah E. Upton, Quiet River Campground, Land Use Permit #3W0819 (Revised)-EB, Docket #765, FCO of 5/18/01 at 15.*

According to RPC, the Project involves the installation of two new power poles (Poles 1 and 2) approximately 120 feet from the high water line of the Otter Creek, the installation of one new power pole (Pole 3) approximately 170 feet from the high water line of the Otter Creek, and

the relocation of one power pole approximately 50 feet from the high water line of the Otter Creek.¹¹ We conclude that the proposed distribution upgrades, which are located as close as 50 feet from the Otter Creek's high water line, will occur within the shoreline.

We also conclude that the proposed pole installations have the potential to impact the values sought to be protected by the shoreline criterion.

Pursuant to 10 V.S.A. § 6086(a)(1)(F):

A permit will be granted whenever it is demonstrated by the applicant that, in addition to all other criteria, the development or subdivision of shorelines must of necessity be located on a shoreline in order to fulfill the purpose of the development or subdivision, and the development or subdivision will, insofar as possible and reasonable in light of its purpose:

- (i) retain the shoreline and the waters in their natural condition;
- (ii) allow continued access to the waters and the recreational opportunities provided by the waters;
- (iii) retain or provide vegetation which will screen the development or subdivision from the waters; and
- (iv) stabilize the bank from erosion, as necessary, with vegetation cover.

No party has questioned whether the Project "must of necessity be located on a shoreline in order to fulfill the purpose" of the Project or whether the Project will affect the subcriteria of 10 V.S.A. § 6086(a)(1)(F). However, given that RPC's existing production facility, where the steam turbine and generator must be located to take advantage of the facility's waste steam load, is on the shoreline of the Otter Creek, we conclude that the Project must of necessity be located on a shoreline and given that the Project will not significantly change existing impacts on the shoreline of the Otter Creek¹² we conclude that the Project is consistent with the requirements of 10 V.S.A. § 6086(a)(1)(F).

11. Letter of August 24, 2011, from Leslie A. Cadwell, Esq., on behalf of RPC, to Susan Hudson, Clerk of the Board at 2.

12. See findings under criterion 30 V.S.A. § 248(b)(5).

Wetlands

[10 V.S.A. § 6086(a)(1)(G)]

33. There are no wetlands in or near the Project area. Carroll pf. at 9.

Soil Erosion

[10 V.S.A. § 6086(a)(4)]

34. The Project will not result in unreasonable soil erosion or a reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result. Carroll pf. at 9. This finding is also supported by findings 35 and 36, below.

35. The installation of the turbine and generator will occur in the interior of the existing RPC production facility and therefore will not impact the topography of the surrounding area. Carroll pf. at 9.

36. Any impacts on soils associated with the installation and relocation of power poles for the Project will be *de minimus*. Carroll pf. at 9.

Transportation Systems

[10 V.S.A. § 6086(a)(5)]

37. The Project will not cause unreasonable congestion or unsafe conditions with respect to use of highways, waterways, railways, airports and airways, and other means of transportation existing or proposed. Carroll pf. at 10. This finding is also supported by finding 38, below.

38. The Project will have a minimal impact on the area's transportation systems. During construction, the Project will result in a small increase in the number of truck trips to and from the RPC facility. During operation, the Project will not impact traffic. Carroll pf. at 10.

Educational Services

[10 V.S.A. § 6086(a)(6)]

39. Pursuant to the Board's *Section 8007(b) Order* this criterion is waived.

Municipal Services

[10 V.S.A. § 6086(a)(7)]

40. The Project will not cause any unreasonable burden on the municipalities to provide municipal or governmental services. Carroll pf. at 10.

**Aesthetics, Historic Sites
and Rare and Irreplaceable Natural Areas**

[10 V.S.A. § 6086(a)(8)]

41. The Project will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas. This finding is supported by findings 42 through 44, below.

42. The Project will not have an adverse impact on the aesthetics of the surrounding area. The installation of the turbine and generator will occur in the interior of RPC's existing production facility. The installation of distribution upgrades, with power poles five feet higher than the existing poles on site, will occur adjacent to the parking lot and will fit within the scale, and be viewed in the context, of the existing industrial complex. Carroll pf. at 8; exhs. RPC-5; RPC-12-14; and finding 2, above.

43. No historic sites will be impacted by the Project and the Project is not located in an historic district. Carroll pf. at 8.

44. No known rare and irreplaceable natural areas exist within the Project area. Carroll pf. at 11.

Necessary Wildlife Habitat and Endangered Species

[10 V.S.A. § 6086(a)(8)(A)]

45. The Project will not have an undue, adverse impact on any necessary wildlife habitat and endangered species. This finding is supported by finding 46, below.

46. No known necessary wildlife habitat or endangered species exist within the Project area. Carroll pf. at 11; letter of August 24, 2011, from Leslie A. Cadwell, Esq., on behalf of RPC, to Susan Hudson, Clerk of the Board at 2.

Development Affecting Public Investments

[10 V.S.A. § 6086(a)(9)(K)]

47. The Project will not unnecessarily or unreasonably endanger the public or quasi-public investment in any public facilities, services or lands, or materially jeopardize or interfere with the function, efficiency, or safety of the public's use or enjoyment of or access to any such facility, service or lands. Carroll pf. at 10.

Least-Cost Integrated Resource Plan

[30 V.S.A. § 248(b)(6)]

48. RPC is not a distribution utility and is not required to have an integrated resource plan.

Compliance with Electric Energy Plan

[30 V.S.A. § 248(b)(7)]

49. Pursuant to the Board's *Section 8007(b) Order* this criterion is waived.

Outstanding Resource Waters

[30 V.S.A. § 248(b)(8)]

50. The Project is not located near or within any outstanding resource waters. Carroll pf. at 9.

Waste to Energy Facilities

[30 V.S.A. § 248(b)(9)]

51. This criterion is not applicable because the Project is not a waste-to-energy facility.

Existing or Planned Transmission Facilities

[30 V.S.A. § 248(b)(10)]

52. The Project will be served economically by existing or planned transmission facilities without undue adverse impact on Vermont utilities or customers. This finding is supported by findings 53 and 54, below.

53. The Project will connect directly to the CVPS distribution system at 12.47 kV using an existing line at the Project site. Carroll pf. at 5-6 and 11.

54. RPC will pay for any electrical system modifications required to interconnect the Project. Carroll pf. at 11.

IV. CONCLUSION

Based upon all of the above evidence, we conclude that the Project will be of limited size and scope; the petition does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248; the public interest is satisfied by the procedures authorized in 30 V.S.A. § 248(j); and the Project will promote the general good of the state.

V. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board ("Board") of the State of Vermont that:

1. The installation and operation of the proposed 400 kW biomass electric generation facility to be located at Mariah Group LLC, d/b/a Rutland Plywood Corporation's ("RPC") production facility in Rutland Town, Vermont (the "Project"), will promote the general good of the State of Vermont in accordance with 30 V.S.A. § 248, and a certificate of public good to that effect shall be issued in this matter.

2. The Project shall be constructed in accordance with the evidence and plans submitted in this proceeding. Any material deviation from these plans must be approved by the Board.

3. Prior to proceeding with construction, RPC shall obtain all necessary permits and approvals. Construction, operation, and maintenance of the Project shall be in accordance with such permits and approvals, and with all other applicable regulations.

4. The Project is hereby certified as a Sustainably Priced Energy Enterprise Development ("SPEED") project.

5. Prior to construction and within 90 days of issuance of the certificate of public good ("CPG"), RPC shall submit to the Board the Facilities Study performed by Central Vermont Public Service ("CVPS") detailing the design of the proposed interconnection. The

interconnection shall be designed to address all concerns identified by CVPS in the Fast Track screening process and in CVPS's August 24 letter unless RPC and CVPS agree that an identified concern has been otherwise mitigated or addressed.

6. Prior to operation of the Project, RPC shall enter into an interconnection agreement with CVPS and file the agreement with the Board and the Department of Public Service ("Department").

7. Prior to interconnection of the generator with the CVPS system, RPC shall provide the Board and the Department with written documentation that the Project meets the applicable codes and standards listed in PSB Rule 5.510.

8. RPC shall follow any applicable health and Department of Environmental Conservation regulations regarding the disposal of wastes during the installation of the turbine, generator, and associated distribution upgrades.

9. Prior to construction, RPC shall file with the Board for review and approval a sound analysis, completed by a qualified sound expert, that estimates the increased sound levels associated with the Project. RPC shall not commence construction until the Board has reviewed and approved the results of the sound analysis; furthermore, the Board reserves the right to require mitigation measures.

10. RPC shall restrict all Project-related outdoor construction activities to the hours between 7:00 A.M. and 5:00 P.M., Monday through Saturday, and all Project-related outdoor construction activities shall cease on Sundays and State and Federal Holidays.

Dated at Montpelier, Vermont, this 26th day of September, 2011.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
<u>s/David C. Coen</u>)	BOARD
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: September 26, 2011

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.